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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,494	06/30/2003	Brian J. Smyth	600754-3U1	6765

37583 7590 05/14/2009

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EXAMINER	
MANCHO, RONNIE M	

ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
05/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/611,494	SMYTH ET AL.	
	Examiner	Art Unit	
	RONNIE MANCHO	3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-22 and 81-106* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-22, 81-106* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/24/09 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-22, 81-106 are rejected under 35 U.S.C. 102(b) as being anticipated by Myr (2001/0029425).

Regarding claim 16, Myr (figs. 1, 3-5, 11, 13, 17, 18; abstract; pages 3-8) discloses a computer-implemented method of creating a virtual traffic network representing traffic conditions on a road system, the method comprising:

(a) inputting into a processor (CTU, see 0136; fig. 13) a base layer comprising map data representing a road system, the road system being defined by a plurality of links and nodes *(at 6 in fig. 13, the CTU receives map data about road systems. As clearly seen in figs. 20-23, the road systems inputted in the CTU are defined by a plurality of links; sec. 0162-0170, the links*

disclosed in the prior art figs. 20-23 meet applicant's definition of links e.g. a stretch of road between two nodes, etc in applicant's page 12, last section);

(b) the processor (CTU, sec 0136; fig. 13) creating a traffic layer by combining multiple links and nodes of the base layer into a single link with an upstream node and a down stream node *(in sec. 0135 updated traffic flow data and accident reports which are related to traffic flow are inputted in the CTU; in sec 0046 traffic situation on the roads which is related to traffic flow is inputted in the CTU. In the abstract, and sec. 0100, the probe vehicles act as sensors on the road links for collecting traffic flow data and forwarding the data to the CTU, etc)*;

(c) inputting into the processor (CTU, sec 0136; fig. 13) flow data related to traffic flow on the road system and information about traffic events on the road system *(see figs. 16-18, 20, sec. 0152-0154, 0164-0170; in sec. 0136 traffic information about traffic events such as accidents , weather are inputted into the CTU. In section 0100 probe vehicle transmit traffic information such as traffic congestion to the CTU, etc; figs. 9, 17, 20, 21, etc; sec. 0114 to 0121, 0152, 0163, 0167 to 0170; section 0013, 0018, traffic flow data and traffic event data are collected separately for each section or road link shown in figs. 9, 17, 20, 21, etc; sec. 0114 to 0121, 0152, 0163, 0167 to 0170)*; and

(d) the processor (CTU, see sec. 0010-0021) integrating the base layer, the traffic layer, the flow data and the traffic information to produce a virtual traffic network representing traffic conditions on the road system (at sec 0013-0018, 0063-0069, 019-0021; figs. 20-23 a virtual traffic network is produced as it is distributed to other vehicles requesting navigation guidance, the process is summarized in the abstract, sec. 0013-0021), wherein the virtual traffic network

indicates both the flow data and the traffic event information (sec. 0013 to 0018, 0114 to 0121, 0152, 0163, 0167to 0170, see sec. 0010-0021; figs. 16-18, 20, sec. 0152-0154, 0164-0170).

Regarding claim 17, Myr (figs. 1, 3-5, 11, 13, 17, 18; abstract; sec. 0013-0021) discloses the method of claim 16 wherein the flow data is real-time flow data, the virtual traffic network representing real-time traffic conditions on the road system.

Regarding claim 18, Myr (figs. 1, 3-5, 11, 13, 17, 18; abstract; sec. 0013-0021) discloses the method of claim 16 wherein the flow data is input from a plurality of road sensors.

Regarding claim 19, Myr (figs. 1, 3-5, 11, 13, 17, 18; abstract; sec. 0013-0021) discloses the method of claim 16 wherein step (a) further comprises customizing the map data to define locally known features of the road system.

Regarding claim 20, Myr (figs. 1, 3-5, 11, 13, 17, 18; abstract; sec. 0013-0021) discloses the method of claim 16 wherein one of the traffic events are incidents and the information includes information related to incidents on the road system.

Regarding claim 21, Myr (figs. 1, 3-5, 11, 13, 17, 18; abstract; sec. 0013-0021) discloses the method of claim 16 wherein the map data, the flow data and the information have a synaptic relationship with each other.

Regarding claim 22, Myr (figs. 1, 3-5, 11, 13, 17, 18; abstract; sec. 0013-0021) discloses the method of claim 16 wherein the virtual traffic network is spatially oriented.

Regarding claim 95, Myr (figs. 1, 3-5, 11, 13, 17, 18; abstract; sec. 0013-0021) discloses the method of claim 16 wherein each link represents a distinct stretch of the road system between two nodes, each node being a decision point on the road system (sec. 0013 to 0018, 0114 to 0121, 0152, 0163, 0167 to 0170).

Regarding claim 96, Myr (figs. 1, 3-5, 11, 13, 17, 18; abstract; sec. 0013-0021) discloses the method of claim 16 wherein each link represents a distinct stretch of the road system between two nodes, each node being where two or more roadways merge together (figs. 9, 17, 20, 21, etc; sec. 0114 to 0121, 0152, 0163, 0167 to 0170).

Regarding claim 97, Myr (figs. 1, 3-5, 11, 13, 17, 18; abstract; sec. 0013-0021) discloses the method of claim 16 wherein inputting information about traffic events on the road system is performed by a human operator (figs. 8, 13, sec. 0112, 0136).

Regarding claim 98, Myr (figs. 1, 3-5, 11, 13, 17, 18; abstract; sec. 0013-0021) discloses the method of claim 16 further comprising:

(e) graphically displaying the virtual traffic network, including the map data, the flow data and the traffic event information (figs. 8, 13, sec. 0112, 0136), the graphical display showing at least one of animated flow display using the flow data and an icon corresponding to the traffic event using the traffic event information (fig. 8, 17, 20; see sec. 0010-0021; figs. 16-18, 20, sec. 0152-0154, 0164-0170).

Myr anticipates **Claims 81-94, 99-106**. That is Myr anticipates claims 16-22 and since claims 81-94, 99-106 are not patentably distinct from claims 16-22, Myr also anticipates claims 81-92.

In the prior art sections 0127 and 0134, etc disclose a traffic event (such as weather, road closure) correlated to a plurality of links (all roads in a category).

In the prior art at 6 in fig. 13, the CTU receives map data about road systems. As clearly seen in figs. 20-23, the road systems inputted in the CTU are defined by a plurality of links; sec.

0162-0170, the links disclosed in the prior art figs. 20-23 meet applicant's definition of links e.g. a stretch of road between two nodes, etc in applicant's page 12, last section.

In the prior art sec. 0135 updated traffic flow data and accident reports which are related to traffic flow are inputted in the CTU; in sec 0046 traffic situation on the roads which is related to traffic flow is inputted in the CTU. In the abstract, and sec. 0100, the probe vehicles act as sensors on the road links for collecting traffic flow data for each particular link and forwarding the data to the CTU, etc

Response to Arguments

4. Applicant's arguments filed 2/24/09 have been fully considered but they are not persuasive.

Applicant argues that the prior art does not disclose a traffic layer. The examiner respectfully disagrees and notes that "traffic layer" is a phrase coined out by the applicant to mean a traffic layer by combining multiple links and nodes of the base layer into a single link with an upstream node and a down stream node. Myr anticipates the limitation, see Myr *(in sec. 0135 updated traffic flow data and accident reports which are related to traffic flow are inputted in the CTU; in sec 0046 traffic situation on the roads which is related to traffic flow is inputted in the CTU. In the abstract, and sec. 0100, the probe vehicles act as sensors on the road links for collecting traffic flow data and forwarding the data to the CTU, etc).*

Applicant further argues that Myr does not disclose a graphical display. The examiner respectfully disagrees and notes that Myr disclose a graphical display in the figures cited.

It is believed that the rejections are proper and thus stand.

Communication

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONNIE MANCHO whose telephone number is (571)272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Khoi can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho
Examiner
Art Unit 3664

5/11/2009

/Ronnie Mancho/

Examiner, Art Unit 3664